

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

PAULA KADIM

Plaintiff,

v.

ADELPHIA

**CIGNA GROUP INSURANCE
And its affiliate Company LIFE
INSURANCE OF NORTH AMERICA**

Defendants

RECEIVED
Clerk of Court
U.S.D.C., D. Mass.
Date 11/24/04
By A.J.
Deputy Clerk

Civil Action No. 04 CV 12383

**REPLY TO DEFENDANT LINA AND ADELPHIA'S
MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

In response to Defendants' LINA and Adelpchia's Motion to Dismiss Plaintiff's Complaint, the following response is made.

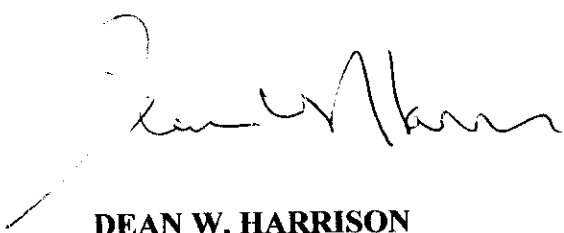
- 1. Plaintiff does not dispute Defendants claim that ERISA preempts purely state related claims such as 93A but argues that Count Number II and IV lie or will lie under state law and which Plaintiff request the U.S District Court to allow her the right to dismiss without prejudice both Counts.**
- 2. Plaintiff requests to amend her complaint in Count I in order to clear up any confusion and to sharpen its case under ERISA Law. Finally Plaintiff has the opportunity to review the contract at issue. There are plenty of statements in Plaintiff's case about ERISA, which Defendant admits and which Plaintiff claims the terms of which were violated.**
- 3. Plaintiff agrees dismiss CIGNA with prejudice. In passing however, Plaintiff's Attorney has received correspondence from an employee of CIGNA/LINA, where CIGNA'S name and address are the most prominent in the correspondence. The confusion engendered might not be intentional but it leads**

one to do what Plaintiff did here in order to smoke them out, so to speak. It worked but Defendant's expression of shock and dismay at CIGNA being named should be noted as a mock one.

4. Defendant requests to amend Count III.

In so making this reply, Plaintiff intends to carry out her agreement herein but does not waive any right she might have to request the Court to remand this case to the Gloucester District Court. She also does not waive any right to trial by jury in the U.S District Court.


Respectfully submitted by her
attorney,



DEAN W. HARRISON
BBO #223700
5 Rocky Pasture Road
Gloucester, Mass. 01930
Telephone (978) 283-5614
Email ndharri@earthlink.com

CERTIFICATE OF SERVICE

I, Dean W. Harrison, hereby certify that I have served a copy of the foregoing on the defendants by mailing a copy, by first class mail, postage prepaid, to the address of her attorney of record, this 26th, day of November, 2004.



Dean W. Harrison